

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

O.A. NO. 582 OF 2024

IN THE MATTER OF:

RAKESH KUMAR ... APPLICANT

VERSUS



THE UNION OF INDIA & ORS. ... RESPONDENTS
N.D.O.H.: 17.02.2025

INDEX

SL.NO.	PARTICULARS	PAGES
1.	Reply on behalf of respondent No.26 alongwith supporting affidavit.	
2.	List of documents with documents.	
3.	Vakalatnama.	
4.	Proof of service.	

DELHI.
DATED:

Filed by:



RANDHIR KUMAR & SURENDER SONI
ADVOCATES
COUNSELS FOR RESPONDENT NO.26

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

O.A. NO. _____ OF 2024

IN THE MATTER OF:

RAKESH KUMAR ... APPLICANT

VERSUS

THE UNION OF INDIA & ORS. ... RESPONDENTS

REPLY ON BEHALF OF THE RESPONDENT NO.26

MOST RESPECTFULLY SHOWETH:

PRELIMINARY OBJECTIONS:

1. That the present application filed by the applicant is not maintainable and liable to be dismissed against the answering respondent as the same is nothing but an abuse of the process of law and has been filed by the appellant with illegal and malafide intention with a view to extort money by illegal means from the answering respondent.
2. That the present application filed by the applicant is not maintainable and liable to be dismissed as the

same is without any merits against the answering respondent.

3. That the present application is not maintainable and liable to be dismissed as the applicant has not come before this Hon'ble Court with clean hands and have concealed the material and vital facts from this Hon'ble Court thereby attempted to misguide and mislead the Hon'ble Court. Whereas the fact remains that the answering respondent has not violated any law of the Air (Prevention and Control of Pollution Act, 1981) and Environment Protection Law.
4. That the applicant has not filed or placed on record a single document or any material evidence in support of the allegations against the answering respondent and to show that the answering respondent has committed any breach of law.

However, no relief is prayed for in the present application against the answering respondent.

5. That it is pertinent to mention here that the answering respondent is a small industry of manufacturing juice and beverage by following all rules and regulations issued by the State Pollution Control Board Haryana. The answering respondent has limited work of four months in a year during summer season and the remaining eight months the work of the answering respondent remains closed. There are about 9 employees employed with the answering respondent.
6. That in summer season juices and beverages are manufactured through green and clean energy by the respondent i.e. by using electricity, biogas and CNG which do not cause any pollution. Therefore, the answering respondent has not violated any provisions of law or rules and regulations issued by the concerned authority as well as State

Government to control the pollution. Thus, the present application deserves to be dismissed.

7. That neither any survey nor any inspection has ever been conducted at the premises of the answering respondent by any authority regarding violation of pollution norms nor the concerned authority has ever issued any show cause notice to the answering respondent in respect of the subject matter of the present application. No samples have ever been taken by any authority including the applicant to prove that the answering respondent is causing pollution. It is pertinent to mention here that Section 26 of the Air (Prevention and Control of Pollution) Act, 1981 states regarding power to take samples of air or emission and procedure to be followed in connection therewith. As per Section 28 of the said Act, the samples are required to be sent to the State Air Laboratories for analysis or tests, but in the present case, the said process has not

been followed, therefore, the present application is liable to be dismissed.

8. The present application is based on false, frivolous and baseless facts which have no iota of truth and the same is liable to be dismissed at the threshold.
9. That the present application does not disclose as to what manner and through which equipments/fuels etc. the answering respondent is emitting pollution. Therefore, the present application is liable to be dismissed against the answering respondent.
10. That the present application filed by the applicant is not maintainable and liable to be dismissed as no cause of action has arisen in favour of the applicant and against the answering respondent.

REPLY ON MERITS:

1. That para No.1 of the application is denied for want of knowledge.

2. That para No.2 of the application needs no reply being matter of record.
3. That para No.3 of the application needs no reply being matter of record.
4. That para No.4 of the application needs no reply being matter of record.
5. That para No.5 of the application needs no reply being matter of record.
6. That para No.6 of the application needs no reply being matter of record.
7. That para No.7 of the application needs no reply being matter of record.
8. That in reply to para No.8 of the application, it is submitted that the present application is based on false, frivolous, baseless and concocted facts and the answering respondent has nothing to do with the allegations made in the present

application because the answering defendant has not done any of causing or emitting any pollution.

9. That para No.9 of the application is wrong, false and denied. It is submitted that the present application is filed by the applicant in order to harass the answering respondent in a false litigation. The answering respondent is being dragged into this false litigation without any involvement and no documentary proof to prove the indulgence of the answering respondent in the present matter is put on record.
10. That para No.10 of the application is wrong, false and denied. It is submitted that the answering respondent has limited work only for four months of summer season in a year and for rest of the period the work of the answering respondent remains closed. Therefore, the allegations made in the para under reply are false, baseless and concocted.

11. That para No.11 of the application is wrong, false and denied. As the present application is based on false, frivolous and concocted facts, therefore no orders are required to be passed against the answering respondent.

REPLY TO BRIEF FACTS:

1. That para No.1 of the application needs no reply. However, the applicant is put to strict proof thereof.
2. That para No.2 of the application needs no reply. However, the applicant is put to strict proof thereof.
3. That para No.3 of the application needs no reply. However, the applicant is put to strict proof thereof.
4. That para No.4 of the application needs no reply. Regarding the facts relating to the law laid down by the Hon'ble Apex Court are matters of record.

5. That para No.5 of the application needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Commission are matters of record.
6. That para No.6 of the application needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Commission or Tribunal are matters of record.
7. That para No.7 of the application needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Tribunal are matters of record.
8. That para No.8 of the application needs no reply. However, the applicant is put to strict proof thereof.
9. That para No.9 of the application needs no reply. However, the applicant is put to strict proof thereof.
10. That para No.10 of the application needs no reply. However, the applicant is put to strict proof thereof.

11. That para No.11 of the application needs no reply.
However, the applicant is put to strict proof thereof.
12. That para No.12 of the application needs no reply.
However, the applicant is put to strict proof thereof.
13. That in reply to para No.13 of the application, it is submitted that the answering respondent is following the orders passed by the Hon'ble Courts and Tribunals in running his business.
14. That in reply to para No.14 of the application, it is submitted that the answering respondent is following the orders passed by the Hon'ble Courts and Tribunals in running his business. However, the work of the answering respondent remains closed in winter season and the answering respondent runs its business activities only for four months of summer season.

15. That para No.15 of the application needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Apex Court are matters of record.
16. That para No.16 of the application needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Apex Court are matters of record. However, it is submitted that the business of the answering respondent runs only four months of summer seasons by following all rules and regulations/guidelines issued by the concerned authorities and complying with the orders of the Hon'ble Apex Court and Tribunals.

REPLY TO GROUNDS:

- A. That this ground needs no reply. However, the application is put to strict proof thereof.
- B. That this ground relates to the concerned Authorities, therefore, needs no reply.

- C. That this ground needs no reply as the same relates to respondent No.5. However, the application is put to strict proof thereof.
- D. That this ground needs no reply as the same relates to respondent No.5. However, the application is put to strict proof thereof.
- E. That this ground needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Tribunal, the same are matters of record.
- F. That this ground needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Tribunal, the same are matters of record.
- G. That in reply to this ground it is submitted that the answering respondent is following all rules and regulations issued by the Hon'ble Tribunal and the State Pollution Control Board as well as Central Pollution Control Board and other concerned

authorities, in running its business as submitted in foregoing paras of the reply. Therefore, no orders/directions are required to be passed against the answering respondent.

- H. That this ground needs no reply. However, the applicant is put to strict proof thereof.
- I. That this ground needs no reply. Regarding the facts relating to the orders/law passed and laid down by the Hon'ble Apex Court, the same are matters of record.
- J. That this ground needs no reply. Regarding the facts relating to the orders/law passed and laid down by the Hon'ble Apex Court, the same are matters of record.
- K. That this ground needs no reply. However, the applicant is put to strict proof thereof.

Para regarding jurisdiction, it is submitted that the Hon'ble Court has no jurisdiction to try, decide and entertain the present petition as business/work place of the answering respondent is located in Hissar, Haryana.

Para regarding limitation and cause of action, it is submitted that no cause of action ever arose in favour of the applicant and against the answering respondent and the present application is barred by law of limitation.

The prayer clause of the application is wrong, false and denied. It is submitted that in view of the above submissions, the applicant is not entitled to any relief as alleged in the petition against the answering respondent.

In view of the facts set out herein above, and the submissions made herein above, the applicant is not entitled to any relief as alleged against the answering respondent. It is most respectfully prayed that this Hon'ble Court be pleased to dismiss the present

application with exemplary cost against the answering respondent.

Moelit

RESPONDENT NO.26

DELHI.
DATED:

THROUGH

Sunder

[Signature]

RANDHIR KUMAR & SURENDER SONI
ADVOCATES
COUNSELS FOR RESPONDENT NO.26

VERIFICATION:

Verified at Hissar on this ___ day of January, 2025 that the contents of the reply to the application are true and correct to my knowledge and those of paras No.1 to 10 of the preliminary objections are based upon legal information received and believed to be true. Last Para is prayer to this Hon'ble Court.

For FTHN Healthcare Products Pvt. Ltd
Moelit

Director

RESPONDENT NO.26

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

O.A. NO. _____ OF 2024

IN THE MATTER OF:

RAKESH KUMAR

... APPLICANT

VERSUS

THE UNION OF INDIA & ORS.

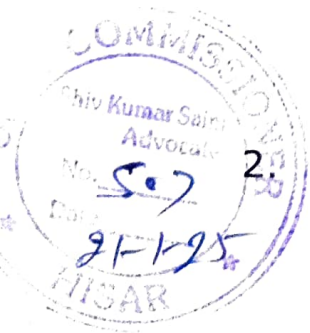
... RESPONDENTS

AFFIDAVIT

I, Modit Gupta S/o Rajesh Kumar Gupta, authorized signatory of M/s FTHN Healthcare Products Pvt. Ltd., Plot No.53, Sector 27-28, Industrial Area, Hisar Haryana, do hereby solemnly affirm and declare as under:-

1. That I am the authorized signatory respondent No.26 in the above noted application and am well conversant with the facts of the case and as such competent to swear this affidavit.

2. That the accompanying reply to the application has been drafted by counsel for the respondent No.26 under its instructions and the contents thereof have



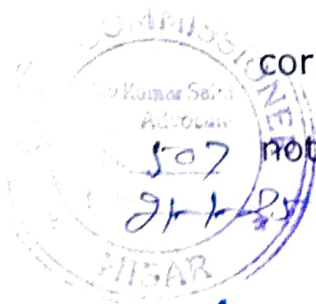
been read over and explained to me in vernacular and after understanding the contents of the same, I state that the same are true and correct to my knowledge derived from the records. The contents of the accompanying reply to the application may be read as part and parcel of this affidavit and the same are not being repeated herein for the sake of brevity.

Modi +

DEPONENT

VERIFICATION:-

Verified at Hissar on this ____ day of January, 2025 that the contents of the above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.



Handwritten signature in blue ink, possibly 'HS' or similar initials.

I declared that the above was declared on oath before me on this 21 day of 1 2025 by HSA who is to be sworn by. Certified that the declarant read and explained to the declarant who declared and put his hand on the same in the presence of me.

Oath Commissioner, HISSAR

Modi +

DEPONENT

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

O.A. NO. _____ OF 2024

IN THE MATTER OF:

RAKESH KUMAR

... APPLICANT

VERSUS

THE UNION OF INDIA & ORS.

... RESPONDENTS

N.D.O.H.: 17.02.2025



LIST OF DOCUMENTS

1. Authorization letter made by the respondent company in favor of the respondent.
2. Copy of Aadhar Card
3. Copy of Udyam Registration Certificate.
4. Certificate of Incorporation

DELHI.

DATED:

THROUGH



RANDHIR KUMAR & SURENDER SONI
ADVOCATES
COUNSELS FOR RESPONDENT NO.26



FTHN Healthcare Products Pvt Ltd

To whom it may concern:

Today on dated: 3rd of January, 2025, at 10:30 a.m. Board of Directors meeting has been held in which Board of Directors appointed to Mr. Modit Gupta S/o Rajesh Kumar Gupta as Authorized Signatory of FTNH Healthcare Products Pvt. Ltd. to file Vakalatnama, Reply, Affidavit of Evidence along with all other Legal Work in the Legal case titled as Rakesh Kumar Versus Union Of India & ors. on behalf of Company i.e. FTNH Healthcare Products Pvt. Ltd.

Managing Director,

For FTNH Healthcare Products Pvt. Ltd.

Prince,

Director

+91 7206817705

info@fthnhealthcareproducts.com

www.fthnhealthcareproducts.com

Plot no 53, Sector 27-28, Hisar

CIN : U15100HR2019PTC084267

GST: 06AADC9552G1ZJ



313

सरकार
Government of India
सूक्ष्म, लघु एवं मध्यम उद्यम मंत्रालय
Ministry of Micro, Small and Medium Enterprises



UDYAM REGISTRATION CERTIFICATE



- UDYAM REGISTRATION NUMBER
- NAME OF ENTERPRISE
- TYPE OF ENTERPRISE
- MAJOR ACTIVITY

UDYAM-HR-06-0002206

FTHN HEALTHCARE PRODUCTS PRIVATE LIMITED

MICRO
(MICRO During Previous Financial Year)

MANUFACTURING

GENERAL

SOCIAL CATEGORY OF
ENTREPRENEUR

NAME OF UNIT(S)

S.No.	Udyog Aadhaar Memorandum	Unit(s) Name	
1	HR06B0008890	FTHN HEALTHCARE PRODUCTS PRIVATE LIMITED	
	Flat/Door/Block No.	PLOT NO 53	Name of Premises/ Building
	Village/Town	HISAR	Block
	Road/Street/Lane	SECTOR 27-18	City
	State	HARYANA	District
	Mobile	7206817705	Email:
			SECTOR 27-28
			HISAR
			HISAR
			HISAR , Pin 125044
			fthnhealthcareproducts@gmail.com

OFFICIAL ADDRESS OF ENTERPRISE

DATE OF INCORPORATION /
REGISTRATION OF ENTERPRISE

DATE OF COMMENCEMENT OF
PRODUCTION/BUSINESS

NATIONAL INDUSTRY
CLASSIFICATION CODE(S)

DATE OF UDYAM REGISTRATION

20/12/2019

02/04/2020

S.No.	NIC 2 Digit	NIC 4 Digit	NIC 5 Digit	Activity
1	10 - Manufacture of food products	1030 - Processing and preserving of fruit and vegetables	10304 - Manufacture of fruit or vegetable juices and their concentrates, squashes and powder	Manufacturing

02/11/2020

In case of graduation (upward/reverse) of status of an enterprise, the benefit of the Government Schemes will be availed as per the provisions of Notification No. S.O. 2119(E) dated 26.06.2020 issued by the M/o MSME.

Disclaimer: This is computer generated statement, no signature required. Printed from <https://udyamregistration.gov.in> & Date of printing:- 14/07/2021

For any assistance, you may contact:

1. District Industries Centre: HISAR (HARYANA)
2. MSME-DI: KARNAL (HARYANA)

Visit : www.msme.gov.in ; www.dmsme.gov.in ; www.champions.gov.in

Follow us @minmsme & @msmechampions



BE A
CHAMPION
with the
Ministry of
MSME

<https://udyamregistration.gov.in/PrintApplication.aspx?fudrn=p4WHIYMeZnK3Gw9m9ZOkgp==>



संघ सरकार
Government of India

सूक्ष्म, लघु एवं मध्यम उद्यम मंत्रालय
Ministry of Micro, Small and Medium Enterprises



Udyam Registration Number : UDYAM-HR-06-0002206

Type of Enterprise	MICRO	Major Activity	Manufacturing
Type of Organisation	Private Limited Company	Name of Enterprise	FTHN HEALTHCARE PRODUCTS PRIVATE LIMITED
Owner Name	M/S FTHN HEALTHCARE PRODUCTS PRIVATE LIMITED	PAN	AADCF9552G
Do you have GSTIN	No	Mobile No.	7206817705
Email Id	fthnhealthcareproducts@gmail.com	Social Category	General
Gender	Male	Specially Aabled(DIVYANG)	No
Date of Incorporation	20/12/2019	Date of Commencement of Production/Business	02/04/2020

Bank Details

Bank Name	IFS Code	Bank Account Number
PUNJAB NATIONAL BANK	PUNB0200200	2002002100061246

Employment Details

Male	Female	Other	Total
1	0	0	1

Investment in Plant and Machinery OR Equipment (in Rs.)

S.No.	Financial Year	Enterprise Type	Written Down Value (WDV)	Exclusion of cost of Pollution Control, Research & Development and Industrial Safety Devices	Net Investment in Plant and Machinery OR Equipment[(A)-(B)]	Total Turnover (A)	Export Turnover (B)	Net Turnover [(A)-(B)]	Is ITR Filled?	ITR Type
1	2019-20	Micro	0.00	0.00	0.00	1.00	0.00	1.00	Yes	ITR - 3, 5, 6
2	2018-19	Micro	0.00	0.00	0.00	0.00	0.00	0.00	No	NA

Unit(s) Details

SN	Unit Name	Flat	Building	Village/Town	Block	Road	City	Pin	State	District
1	FTHN HEALTHCARE PRODUCTS PRIVATE LIMITED	PLOT 53	SECTOR 27-28	HISAR		HISAR	HISAR	125044	HARYANA	HISAR

Official address of Enterprise

Flat/Door/Block No.	PLOT NO 53	Name of Premises/ Building	SECTOR 27-28
Village/Town	HISAR	Block	HISAR
Road/Street/Lane	SECTOR 27-18	City	HISAR
State	HARYANA	District	HISAR , Pin : 125044
Mobile	7206817705	Email:	fthnhealthcareproducts@gmail.com

National Industry Classification Code(S)

SNo.	Nic 2 Digit	Nic 4 Digit	Nic 5 Digit	Activity
1	10 - Manufacture of food products	1030 - Processing and preserving of fruit and vegetables	10304 - Manufacture of fruit or vegetable juices and their concentrates, squashes and powder	Manufacturing

Are you interested to get registered on Government e-Market (GeM) Portal

No

Are you interested to get registered on TReDS Portals(one or more)

No

District Industries Centre

HISAR (HARYANA)

MSME-DI

KARNAL (HARYANA)

315

Print : Udyam Registration Certificate

of Udyam Registration
of Printing

02/11/2020

14/07/2021



सत्यमेव जयते

GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS

Central Registration Centre

Certificate of Incorporation

[Pursuant to sub-section (2) of section 7 and sub-section (1) of section 8 of the Companies Act, 2013 (18 of 2013) and rule 18 of the Companies (Incorporation) Rules, 2014]

I hereby certify that FTHN HEALTHCARE PRODUCTS PRIVATE LIMITED is incorporated on this Twentieth day of December Two thousand nineteen under the Companies Act, 2013 (18 of 2013) and that the company is limited by shares.

The Corporate Identity Number of the company is U15100HR2019PTC084267.

The Permanent Account Number (PAN) of the company is **AADCF9552G** *

The Tax Deduction and Collection Account Number (TAN) of the company is **RTKF01881F** *

Given under my hand at Manesar this Twentieth day of December Two thousand nineteen .

MINISTRY OF
CORPORATE AFFAIRS

Digital Signature Certificate
Mr MANGAL RAM MEENA
Deputy Registrar Of Companies
For and on behalf of the Jurisdictional Registrar of Companies
Registrar of Companies
Central Registration Centre

Disclaimer: This certificate only evidences incorporation of the company on the basis of documents and declarations of the applicant(s). This certificate is neither a license nor permission to conduct business or solicit deposits or funds from public. Permission of sector regulator is necessary wherever required. Registration status and other details of the company can be verified on www.mca.gov.in

Mailing Address as per record available in Registrar of Companies office:

FTHN HEALTHCARE PRODUCTS PRIVATE LIMITED
PLOT NO 1121, SECTOR 40, GURGAON, Gurgaon, Haryana, India,
122003

* as issued by the Income Tax Department



Mangal Ram Meena





VAKALAT — NAMA

In The Court of Hon'ble National Green Tribunal, Principal Bench, New Delhi
Rakesh Kumar V/s Union of India & ors.

Know All to whom these present shall income that I/We Modit Gupta S/o Rajesh K. Gupta Auth. Sign. of FTHN Healthcare Products (P) Ltd. at P.no. 53, Sec-28, Hisar, (Hary)

Do here appoint

Surender Soni & Randhir Kumar,
Advocates,

En No. D- 1809/2001, D-3227/2011

Ch. No. 276, Old Block- IInd, Delhi High Court, New-Delhi

(M.) 98184-03688, 91234-16910

Email: soni.surenderk13@gmail.com

[Here in after called the advocate) to be my/our Advocate in the noted case and authorize him:- to act appear and plead in the above noted case in this court or in any other Court or tribunal in which the same may be tried or heard and also in the appellate Courts.

To Sign, file and present pleading, replications, appeals, cross objection or petitions or executions revision restoration withdrawals compromise or other petitions replies, objections or affidavits or other documents as may be deemed necessary proper for the prosecution of the said case in all stages.

To file and take back documents.

To Withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take out execution processing.

To appoint any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred upon the advocate whenever he may think fit do and to sign the power of attorney on out behalf.

And I/We the undersigned do hereby agree to ratify and confirm acts done by the Advocate or his substitute in the matter as my/our own act as it is done by me/us to all intents and purpose.

And I/We the undertaken that I/We or my/our duly authorized agent would appear in Court on all hearing and will inform the advocate for appearance. When the case is called.

And I/We the undersigned to hereby agree not to hold the advocate or his substitute responsible for result of aid case in consequence of his absence from the Court when the said case is called up for hearing or for any negligence of said advocate or his substitute.

And I/We undersigned to hereby agree that in the event of the whole or one part of the fees agreed by me/us to be paid to the Advocate remaining unpaid. He shall be entitled to withdraw from the prosecution of the said case until the same is paid-up. If any costs are allowed for an adjournment the Advocate would be entitled to the same.

In the witness where of I/We do hereby set my/our hands to these presents of which have been understood by me/us this 3rd of January, 2025


Advocate

For FTHN Healthcare Products Pvt. Ltd
Modit
Client Director